IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 18265 of 2004

Between:

K. Ashamma,

W/o. Late K. Sambhashivaiah,
R/o.H.No. 3-12-106, Veerannapet Street,

Mahabubnagar - 509 001.

..... PETITIONER

AND

1. The Vice-Chairman and Managing Director,

A.P. State Road Transport,
Corporation, Hyderabad.
2 . The Regional Manager,

A.P. State Road Transport Corporation,
Mahabubnagar Region, Mahabubnagar.
3. The Depot Manager,

A.P. State Road Transport Corporation,
Wanaparthy Bus Depot,

Wanaparthy, Mahabubnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction, particularly one in the nature of Writ of Mandamus, declaring the inaction of the 3rd respondent herein in taking steps to appoint the petitioner in any suitable post in the Andhra Pradesh State Road Transport Corporation on her representation dated

3-11-2003 in pursuance of the Award dated 11-4-2002 in I.D.No.174/99 passed by the Labour Court-III, Hyderabad, published in G.O.Rt.No.1294, Labour, Employment, Training and Factories (LAB.I) Department, dated 15-5-2002 setting aside the proceedings of the 3rd respondent bearing No. P2/1(5)/80-WNP., dated 28-8-1980 deeming the late husband of he petitioner namely K.Sambasivaiah to have resigned his appointment as conductor and ceased to be in service of the A.P. State Road Transport Corporation, till today as illegal, arbitrary and unwarranted, and consequently direct the respondents to immediately appoint the petitioner in any suitable post in the Andhra Pradesh State Road Transport Corporation.

Counsel for the Petitioner: Mr. KUSURI SATYANARAYANA

Counsel for the Respondents: Mr. P.VINAYAKA SWAMY (S.C FOR APSRTC).

The Court made the following ORDER :

The petitioner is the wife of a workman of the respondent-corporation by name, K.Sambasivaiah, who worked as a Conductor from 1972-1979. The respondent-corporation issued proceedings on 28-8-1980 which reads as follows:

> "This is a case wherein Sri K.S.Sivaiah, E.43132, Conductor of Achampet depot, has absented to his duties from 16-10-1979 to till date without sanction of leave or without any sick report. As his unauthorized absence exceeded more than 7 days, under the provisions of Clause (3) of Regulation 39 of the A.P.S.R.T.C. Employees(Leave) Regulations, 1963, deemed to have resigned his appointment and thereby ceased to be in the service of the Corporation with effect from 16-10-1979."

The employee died on 14-1-1996. Subsequently, the petitioner approached this Court through W.P.No.12592 of 1998 and this Court through an order directed the respondent to furnish an authenticated copy of the proceedings dated 28-8-1980. The petitioner filed I.D.No.174 of 1999 challenging the order of the respondent dated 28-8-1980. The Labour Court III, Hyderabad passed an award on 11-4-2002, setting aside the order of the 3rd respondent dated 28-8-1980 on the ground that the orders were passed without conducting any enquiry. The petitioner contends that since the order of punishment was set aside on the ground that the procedure was not followed in imposing the punishment, it shall be deemed that the deceased employee was in service. Therefore, the petitioner on the death of the deceased employee is entitled for appointment in his place. The petitioner contends that she made a representation to the 3rd respondent on 3-11-2003 for providing suitable job to her, but the 3rd respondent did not pass any orders on the said representation. The petitioner, therefore, approached this Court seeking a direction to the 3rd respondent to consider the representation dated 3-11-2003 regarding her request for providing employment .

In the light of the circumstances explained by the petitioner, the 3rd respondent is directed to examine the representation of the petitioner dated 3-11-2003 and pass appropriate orders regarding the request of her appointment within two months from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of.

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(Dr.G.YETHIRAJULU,J)

7th October, 2004.

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To

1. The Vice-Chairman and Managing Director,

A.P. State Road Transport,
Corporation, Hyderabad.

2 . The Regional Manager,

A.P. State Road Transport Corporation,
Mahabubnagar Region, Mahabubnagar.

3. The Depot Manager,

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4. Two CD copies